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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,872

02/28/2006

Anne Elliot Merica

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09/05/2008

BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3633

NOTIFICATION DATE

DELIVERY MODE

09/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/530,872	Applicant(s) MERICA, ANNE ELLIOT	
	Examiner Jeanette E. Chapman	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/11/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Biebuyck (6158182).

Claim 1.

Biebuyck discloses a curtain wall structure 120 d having a sill 102 defining a channel A for supporting a wall panel, said sill having a structural portion figure 4, alongside the channel for securing the sill in place, the improvement to said sill comprising:

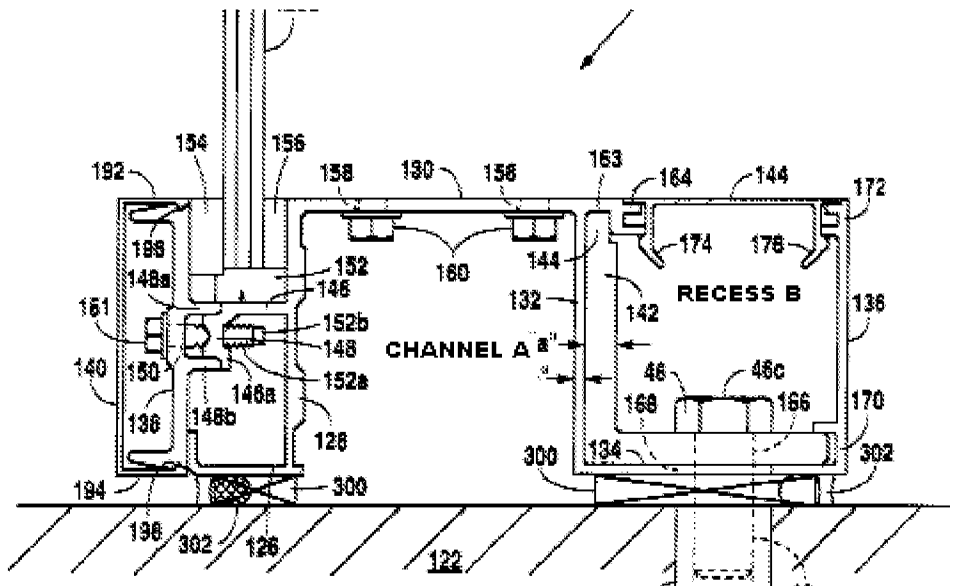
an inwardly open recess B defined by said sill inwardly of the channel

and the structural portion thereof,

a cover 144 for said recess, said recess and cover defining at least one

wireway capable of being used for power or data/telecommunication cables.

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claim 3.

Biebuyck discloses said cover 144 has a generally convex external contour.

claim 4.

Biebuyck the said cover 144 has longitudinally extending marginal edges 174/176 defined so as to fit longitudinally extending sockets adjacent 164 provided for this purpose in opposed wall sections of said sill.

claim 5.

Biebuyck discloses one of said sockets defines a pivot of said cover. See figure 4

claim 6.

Biebuyck the said sill is of extrudable cross section. See column 4, line 26-32

claim 7.

Biebuyck discloses the said sill is of extruded aluminum. See column 4, lines 26-32.

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Claim 8.

Biebuyck discloses the cover is also of extruded aluminum. See column 4 lines 26-32..

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck (6158182).

claim 9.

Biebuyck discloses that other material may be used. The choice of materials used to form the sill has been considered a matter of choice. No criticality has been shown for making the sill of a synthetic polymeric material

Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck (6158182) in view of Vogler (3064110).

claim 2.

Biebuyck lacks the cable and the outlet devices provided in openings defined for this purpose in the cover; Biebuyck discloses said cover having at least one generally flat planer surface but lacks the defining longitudinally spaced openings for this purpose. Vogler discloses a sill 20 with cables 22 and an spaced opening to accommodate the switch or outlet 21. The choice of electrical elements have been considered a matter of choice since a combination data

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communications or electrical elements and curtain wall structure has not been claimed. Further one of ordinary skill in the art would have appreciated the type of electrical elements needed in combination with the sill and would have known to incorporate those elements commensurate with that purpose

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck (6158182) in view of Biebuyck (6715248).

claim 10.

Biebuyck '248 discloses a sill 110 which defines

opposed wall sections, said wall sections having longitudinally extending ribs 118 for receiving a resilient divider capable of providing discrete wireways for both

data/telecommunication cabling and power cabling within said wireway.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841.

The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6743. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3633